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**Lawrence Fenster**
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May 16, 1997

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

EX PARTE

Re: Implementation of the Local Competition Provisions of the Telecommunication Act of 1996, CC Docket No. 96-98

Dear Mr. Caton:

Please find attached information discussing MCI's experience attaching to transmission facilities and conduit of electric utility companies, in response to questions posed during our May 7, 1997 meeting with Meredith Jones, Barbara Esbin, JoAnn Lucanik, and Claire Blue of the Cable Bureau.

Please acknowledge receipt by affixing an appropriate notation on the copy provided for such purpose and remit to the bearer.

Sincerely,

Lawrence Fenster

cc: Ms. Claire Blue
Ms. Barbara Esbin
Ms. Meredith Jones
Ms. JoAnn Lucanik

# MCI's Experience Attaching To Electric Utility Transmission Facilities And Conduit

## It is Technically Feasible to Attach to Electric Transmission Facilities and Conduit

MCI presently has agreements with a number of electric utility companies to attach either fiber optic ground wire (FOGWIRE) or all-dielectric self-supporting (ADSS) cable to their high kilovolt transmission facilities.

MCI has approximately 4,000 miles of fiber-optic ground wire attached to electric utility company transmission towers. FOGWIRE is a fiber-optic ground wire that replaces the static ground wire installed at the upper-most position of electric transmission structures. The FOGWIRE serves the static line function due to its metal shielding, while its core is capable of carrying telecommunications signals that may be used jointly by the electric utility and MCI. These arrangements have been made with over a dozen public and private utility companies operating in different parts of the country.

MCI also has approximately 200 miles of ADSS cable attached to electric utility company transmission towers. In contrast to FOGWIRE, which is attached at the top of the transmission tower, ADSS cable attachments are made in the transmission tower power space. The use of ADSS cable has permitted attachment to electric utility transmission facilities without having to take transmission lines out of service.

When electric companies find it in their interest to grant MCI access to their transmission towers, we often receive blanket access over the entire network. Thus, there do not appear to be technical grounds for limiting attachments to transmission towers to isolated instances.

MCI has also used electric conduit, and even buried our cable parallel to transmission lines crossing an electric company's right-of-way. While not required by all power companies, MCI generally uses dielectric cable to avoid induced voltage in the cable sheath.

## Regulations are Required to Give New Entrants Nondiscriminatory Access to Electric Utility Transmission Facilities and Conduit

MCI personnel involved in rights-of-way negotiations report that a majority of our requests for access to electric company transmission facilities and as much as 90 percent of our requests for access to electric company conduit are denied. However, when electric companies find it in their interest to grant us such access, it is often in exchange for access to MCI's fiber optic cables.

MCI and other new entrants to local telecommunications markets cannot rely on the economic interest of utility companies in order to gain access to their transmission facilities. Smaller companies may not have assets of interest to the electric utilities. Even MCI, a company with extensive nationwide assets, only gains limited access to electric transmission towers and conduit. Consequently, the Commission must apply the pole attachment requirements of the 1996 Act to electric transmission facilities and conduit in order to ensure non-discriminatory access to essential rights-of-way.

## There is a Compelling Public Interest Permitting New Entrants Access to Electric Transmission Facilities and Conduit

Being denied the option of attaching to electric utility company transmission facilities and conduit would impose additional costs on MCI and other telecommunications companies seeking to enter local telecommunications markets.

Transmission facilities are generally more secure than distribution facilities. They are located away from the edge of the road where they are less prone to vehicle damage. Transmission facilities are designed to higher structural standards than those applied to distribution facilities and consequently are sturdier and more secure. Conduit is even more secure.

MCI is able to more quickly provide service to a broad geographic area if it is able to attach to electric company transmission facilities. Transmission facilities go everywhere, and so provide extensive coverage. Also, since transmission facilities are owned by fewer parties than distribution facilities, MCI is able to negotiate fewer rights-of-way agreements. This can greatly increase the speed and cost of providing service.

Electric utility transmission systems provide an attractive design option for MCI's transport routes, especially in dense, urban areas. They provide a right-of-way source allowing aerial installation across larger distances of highways, streets, and buildings than distribution poles, thereby reducing installation and construction costs.